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TO:	FROM:
	Ivan J. Mlachak, Reg. No. 42,008 <i>EM</i>
COMPANY:	DATE:
USPTO	FRIDAY, MARCH 26, 2004
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
703.872.9306	7
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
703.308.4357	H0002691-1065
RE:	RECIPIENT'S REFERENCE NUMBER:
Information Disclosure Statement	10/788,789

URGENT

FOR REVIEW

PLEASE COMMENT

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NOTES/COMMENTS:

FORMAL COMMUNICATION
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In Re Application of: Richard B. Fox Art Unit: Unknown

Serial No.: 10/788,789

Examiner: Unknown

Filed: February 27, 2004

Attny. Docket No.: H0002691--1065

For: HIGH VOLUME AIR SAMPLER

INFORMATION DISCLOSURE STATEMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

In accordance with 37 C.F.R. 1.56 and in a manner prescribed by 37 C.F.R. 1.97 and 1.98, this Information Disclosure Statement IDS is being submitted herewith for consideration by the United States Patent and Trademark Office.

I. **CONTENT**

This IDS includes:

- ☒ A list of all patents, publications, applications, or other information submitted for consideration by the Office on PTO form SB/08A, which is included herewith;
- ☐ A legible copy of: (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and (iv) all other information or that portion which caused it to be listed, unless subsequently provided in this IDS.

II. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

- ☒ Except as may be subsequently indicated in this section II, a concise explanation is not required as all of the patents, publications, applications or other information are in the English language, or the degree of relevance of each is indicated in the English language version of the International Search Report, which accompanies this IDS.
- ☐ A concise explanation of the relevance, as it is presently understood by the individual designated in 1.56(a) most knowledgeable about the content of the information, of all patents, publications, applications or other information listed that is not in the English language.
- ☐ A copy of the translation of a non-English Language document, or portion thereof. (e.g., a translation of an abstract)
- ☐ Any patent, publication, pending U.S. application or other information that is listed on PTO form SB/08A, which are not enclosed herewith were previously cited by or submitted to the Office in one of the following applications that has been relied on for an earlier effective filing date under 35 U.S.C 120 and the IDS submitted in the earlier application complies with paragraphs (a) through (c) of 1.98:

U.S. Application Serial No.	U.S. Filing Date

III. THIS IDS IS BEING FILED UNDER 37 C.F.R. 1.97(b): (check one box)

- ☐ Within three months of the filing date of a national application other than a continued prosecution application under 1.53(d).
- ☐ Within three months of the date of entry of the national stage as set forth in 1.491 in an international application.
- ☒ Before the mailing date of a first Office Action on the merits. In the event that a first Office Action on the merits has been mailed, please consider this IDS under 37 C.F.R. 1.97(c) and see the statement under 1.97(e) or charge deposit account 50-2091 the fee specified by 37 C.F.R. 1.17(p) if such statement is not selected in Section VI.
- ☐ Before the mailing of a first Office Action after the filing of a request for continued examination under 1.114.

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. 1.97(c):

- ☐ After the period specified in 27 C.F.R. 1.97(b) and before the mailing date of any of a final action under 1.113, a notice of allowance under 1.311 or an action that otherwise closes prosecution in the application, and accompanied by:
- ☐ a statement specified in 1.97(e) as subsequently provided in this IDS;
or
- ☐ the fee set forth in 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. 1.97(d):

- ☐ After the period specified in 27 C.F.R. 1.97(c) and on or before the payment of the issue fee, and it is accompanied by a statement specified in 1.97(e) as subsequently provided in this IDS and the fee set forth in 1.17(p).

VI. Statement under 37 C.F.R. 1.97(e) (check only one box)

The undersigned hereby states that:

- ☐ Each item of information contained in the IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item of information contained in the IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this IDS.

VII. PAYMENT OF FEES (check one box)

- ☐ A check in the amount of \$ _____ is enclosed for fees due with respect to this IDS.
- ☐ Please charge Deposit Account No. ___ in the amount of \$ _____ for the fees due with respect to this IDS. A duplicate copy of this paper is included with this IDS.

VIII. CONCLUSION

It is respectfully submitted that the claims presently on file patently distinguish the present invention from each of these references cited in this IDS. The references cited in this IDS are being cited only in the interests of candor and without any admission that they constitute statutory prior art or contain matter which anticipates the invention or which would render the same obvious, either singly or in a combination, to a person of ordinary skill in the art. Furthermore the filing of this IDS should not be construed to be an admission that the information cited in this IDS is, or is considered to be, material to patentability as defined in 1.56(b). In addition, the filing of this IDS should not be construed as a representation that a search has been made.

If the Examiner has any questions concerning this IDS, the Examiner is requested to contact the undersigned at the telephone number associated with Customer No. 29906. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. 50-2091.

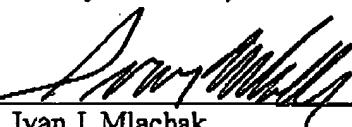
Please charge any additional fees or credit any overpayment related to this IDS to Deposit Account No. 50-2091.

Respectfully submitted,

Date:

March 26, 2004

By:


Ivan J. Mlachak
Reg. No. 42,008

Ingrassia Fisher & Lorenz, P.C.
Customer No. 29906

Enclosures: ☒ PTO-SB/08A
☐ References
☐ Foreign Search Report
☐ Fee
☐ Other:

PTO/SB/DBA (DB-03)

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Substitute for form 1449/PTO				Complete if Known <table border="1"> <tr> <td>Application Number</td> <td>10788,789</td> </tr> <tr> <td>Filing Date</td> <td>February 27, 2004</td> </tr> <tr> <td>First Named Inventor</td> <td>Richard Fox</td> </tr> <tr> <td>Art Unit</td> <td>Unknown</td> </tr> <tr> <td>Examiner Name</td> <td>Unknown</td> </tr> <tr> <td>Attorney Docket Number</td> <td>H0002591-1065</td> </tr> </table>		Application Number	10788,789	Filing Date	February 27, 2004	First Named Inventor	Richard Fox	Art Unit	Unknown	Examiner Name	Unknown	Attorney Docket Number	H0002591-1065
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First Named Inventor	Richard Fox																
Art Unit	Unknown																
Examiner Name	Unknown																
Attorney Docket Number	H0002591-1065																
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>																	
Sheet	1	of	2														

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Page, Column, Line, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-2001/0045000 A1	11/29/2001	Gundel et al.	
		US-2902/0071786 A1	06/13/2002	Schreiber, JR, et al.	
		US-2002/0153725 A1	10/24/2002	Myers	
		US-2003/0012696 A1	01/16/2003	Millancourt	
		US-868,931	10/22/1907	W. F. Kuzmaul, Jr.	
		US-2,083,035	06/08/1937	G. S. Rogers	
		US-2,103,838	12/28/1937	A. M. Bach	
		US-2,230,098	01/28/1941	P. Wurzburger	
		US-3,868,950	02/18/1975	Skoch et al.	
		US-4,137,647	02/08/1979	Clark, Jr.	
		US-4,863,202	09/05/1989	Oldford	
		US-4,893,848	01/16/1990	Melcher	
		US-5,553,895	09/10/1999	Karl et al.	
		US-5,621,180	04/15/1997	Simon et al.	
		US-5,765,812	06/16/1998	Morin	
		US-5,794,988	08/18/1998	Gengel et al.	
		US-5,921,592	07/13/1999	Donnelly	
		US-6,138,521	10/31/2000	Basch et al.	
		US-6,471,582 B1	10/29/2002	Tucker	

[illegible]

Examiner Signature		Date Considered	
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/SB/08A (08-03)
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Substitute for form 1449/PTO				Complete if Known Application Number 10/768,789 Filing Date February 27, 2004 First Named Inventor Richard Fox Art Unit Unknown Examiner Name Unknown Attorney Docket Number H0002691-1085	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>					
Sheet	2	of	2		

[illegible][illegible]

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